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Application Number	10/501,953
Filing Date	July 21, 2004
First Named Inventor	LIPOVSKII, Andrey
Group Art Unit	Not yet known
Examiner Name	Not yet known
Attorney Docket Number	P-7008-US

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- ☐ Applicant
- ☐ Assignee of record of the entire interest.
Certificate under 37 CFR 3.73(b) is enclosed.
- ☒ Attorney or agent of record.

Typed or Printed Name	Guy Yonay	Registration No.	52,388
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Signature

Date August 1, 2005

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JC04 Rec'd PCT/PTO - 2 AUG 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): LIPOVSKII, Andrey et al. EXAMINER: Not yet known
SERIAL NO.: 10/501,953 GROUP ART UNIT: Not yet known
FILED: July 21, 2004 ATTORNEY DOCKET No.: P-7008-US
FOR: POTASSIUM FREE ZINC SILICATE GLASSES FOR ION-EXCHANGE PROCESSES

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**RESPONSE TO THE DECISION ON REQUEST UNDER 37 CFR 1.497(d) & PETITION
FOR A FOUR-MONTH EXTENSION OF TIME**

Sir:

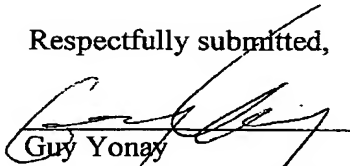
In response to the Decision on Request under 37 CFR 1.497(d), mailed February 2, 2005 (a copy of which is enclosed), Applicant(s) submit herewith the following:

1. ☒ a Written Consent of Assignee in Correction of Inventorship under 37 CFR 1.497(d)(3) form, including:
 - Statement under 37 CFR 3.73(b)
 - Copy of Assignment
2. ☒ Applicant(s) Claim Small Entity Status

A response was due April 2, 2005. Applicant(s) hereby petition for a FOUR-month extension of time. Therefore, a response is now due on August 2, 2005. Accordingly, this Response and Petition are being timely filed.

If any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 50-3355.

Respectfully submitted,

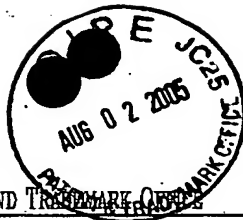

Guy Yonay
Attorney for Applicant(s)
Registration No. 52,388

Dated: 1 August 2005

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NEW YORK, NEW YORK 10020

In re Application of
LIPOVSKII et al.
Application No.: 10/501,953
PCT No.: PCT/IL03/00055
Int. Filing Date: 22 January 2003
Priority Date: 22 January 2002
Attorney Docket No.: P-7008-US
For: POTASSIUM FREE ZINC SILICATE
GLASSES FOR ION-EXCHANGE PROCESSES

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Petition to Add Inventor(s) Under 37 CFR 1.48", filed on 21 July 2004 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Eli Arad as inventor in the above referenced application. The requisite \$130 petition fee was paid. The petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 21 July 2004, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. Applicant also filed a petition under 37 CFR 1.48 for correction of inventorship, to add Eli Arad as an inventor. In addition to the \$130 petition fee, Petitioner provided the statement of the inventor Mr. Arad in support of the correction of inventorship under 37 CFR 1.497(d). Petitioner indicates that "the consent of the assignee is not required insofar as no assignment has yet been executed." An declaration executed by the joint inventors was not submitted.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s).

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application

occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants provided a statement, signed by Eli Arad, stating that "My name, ARAD, Eli, was inadvertently omitted from the list of inventors, without deceptive intent on the part of the undersigned". This statement satisfies item (1) of 37 CFR 1.497(d).

The processing fee of \$130.00 has been paid, satisfying Item (2) above.


With regard to Item (3), a review of the application file reveals that an assignment of assignors interest was filed with the USPTO on 29 December 2004. Applicant has not provided a "Written Consent of Assignee in Correction of Inventorship under 37 CFR 1.497(d)(3)" and a statement under 37 CFR 3.73(b) consenting to the addition of Eli Arad as an inventor in this application.

Accordingly, applicant has not met all of the requirements to add Eli Arad as co-inventor in the above-identified international application.

CONCLUSION

The request under 37 CFR 1.497(d) to add Eli Arad is **DISMISSED WITHOUT PREJUDICE**. Applicant has **TWO (2)** months to file a response. Extensions of time may be obtained under 37 CFR 1.136(a). The application will be held in the PCT Legal Office to await the proper reply.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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